Journal of Building Performance ISSN: 2180-2106 Volume 4 Issue 1 2013
http://spaj.ukm.my/jsb/index.php/jbp/index

IMPACT OF DUE PROCESS POLICY ON CONSTRUCTION PROJECTS DELIVERY IN NIGERIA

O.J. Ameh[1*], O. Ogundare[1]
[1]*Department of Building, University of Lagos, Akoka, Yaba, Lagos, Nigeria.*
[*]Corresponding author: oameh@unilag.edu.ng

Abstract

Public procurement system in Nigeria has over the years been grossly abused leading to cost inflation, delay in project delivery, poor quality of work, and project abandonment. The aim of this study is to examine the impact of the Due Process Policy on construction projects delivery in Nigeria. Data were collected using a structured questionnaire distributed to 52 random selections of contracting, consulting and public organisations operating in Lagos Nigeria. Data were analysed using descriptive statistics. The results show that due process policy has a very positive impact in Nigeria's procurement terrain. Adherence to due process proceedings had highest impact on cost savings, prequalification of contractors and detailed project design, quality of project delivery, and project duration. The study serve as a feedback to the construction stakeholders in Nigeria and contains useable information for optimizing the existing due process mechanism to enhance not only probity, accountability, transparency and competition in public contract awards, but also the policy's resultant effects on quality of executed projects, delivery-on-budget and time considerations.

Key words: Construction, due process, Nigeria, project performance, public procurement.

Introduction

Nigeria is the most populous country in Africa with a population of almost 170 million people and a GDP second only to South Africa's. Following several years of military rule and poor economic management, Nigeria experienced economic stagnation, rising poverty levels, and the decline of its public institutions. By most measures, human development indicators in Nigeria were at par with that of other least developed countries while widespread corruption undermined the effectiveness of various public expenditure programs (Okonjo-Iweala and Osafo-Kwaako, 2003).

On assumption of Office in 1999, Chief Olusegun Obasanjo, president of the Federal Republic of Nigeria (1999-2007) observed that, the time-tested approach in conducting government business had degenerated to such an extent that the Public Service Rules, Financial Regulations and Ethics and Norms of the Service were jettisoned either due to sheer ignorance or for selfish reasons (Ekpenkhio 2003, BMPIU, 2005). A survey conducted by the Obasanjo-led administration on assumption of office revealed that before May 29, 1999, Nigeria was losing on average, Forty Billion Naira (about 267million USD) annually through all kinds of manipulation of the procedure for award and execution of public contracts (Ekpenkhio 2003). These manipulations, according to BMPIU (2005), were in the form of inflation of contract costs, use of contract system to divert public funds to private pockets, award of contracts for non-existing projects, use of inexperienced contractors, over invoicing, influence peddling, award of contracts to friends and close acquaintances and above all, award of contract without project scope definition and budgetary provisions. According to Igwe (2006), the situation was so bad to the extent that the contractors were sometimes allowed the freedom to determine the size, scope, need, cost and mode of payment for the contract or projects that were funded from public treasury. Before the advent of the 'Due Process' Policy, the situation of most public construction projects in Nigeria was that, they suffer from project abandonment, project delay, cost inflation, poor quality of work, high initial cost of projects among others(Ayangade *et al*. 2009).

It is against this backdrop, that the procurement system was earmarked for reform by the chief Olusegun Obasanjo led administration. Hence, the institution of the Due Process Mechanism for all public procurements, leading to the creation of The Budget Monitoring and Price Intelligence Unit (BMPIU) also

referred to as Due Process Policy and other commissions namely: Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crime Commission (EFCC) in 2001 to implement a robust Public Procurement Reform programme designed to address these critical challenges in the management of public resources in Nigeria (Obasanjo, 2004).

It is now over a decade since the kick off of the Due Process Policy which was further strengthened with enactment of Public Procurement Act (PPA) signed into law on June 4, 2007. The Act provides for the establishment of the National Council on Public Procurement (NCPP) and the Bureau of Public Procurement (BPP) as regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing existing government policies and practices. It is expected that for over a decade of its existence, the policy must have had significant impact on construction projects delivery. The aim of this study is to examine the impact of the Due Process Policy on construction projects delivery in Nigeria. The objectives of this study therefore are: to examine the level of compliance to due process policy and the perception of stakeholders on the impact of the Due Process policy on cost, timely delivery and quality of construction projects.

Literature review

For developing country like Nigeria, which is still in the process of providing adequate social amenities such as educational and health care facilities as well as decent housing for its teeming populace, the construction industry has an important role to play (Faniran, 2002). Between the late 1960s and 1980s, the construction industry was the dominant contributor to Nigeria's GDP, accounting for about 70 per cent of the GDP (Planning Committee on the National Construction Policy, 1989 cited in Oladipo, 2007). This made the industry very strategic to the nation's development efforts. Unfortunately, however, the industry has been bedevilled by a combination of low demand and consistent low productivity and poor performance since the decline of the national economy started at the end of the 1980s (Adeyemi, Oladapo and Akindele, 2005). This has reduced its contribution to the national economy to a mere 1 per cent of the GDP in 2002 (Oladapo, 2007). The construction industry in Nigeria today according to Mshelbwala, (2005 in Ayangade *et al*. 2009) is characterized by a wide range of problems including high cost of procurement, substandard products, project collapse and abandonment.

Public procurement has been described by the Northern Ireland public policy document 2009 as a process of acquiring (usually by means of a contractual arrangement following public competition) of goods, services, works and other supplies by the public service. The process starts from initial conception and project definition to project closure. A 2006 study by the Transparency International found that public procurement amount to 15-30% GDP or even more. It puts estimated damage from procurement related corruption at normally between 10-25% and in some cases up to 40-50% of the contract value. According to a recent African Development Bank Concept, public procurement account for 70% of budget of African countries.

Over the years, the public procurement system in Nigeria has been grossly abused leading to huge losses of resources. In a bid to sanitize the system, the Federal Government set up a Due Process Unit under the presidency to undertake the reform (BMPIU, 2005). Due Process is defined as a mechanism for ensuring strict compliance with openness, competition and cost accuracy rules and procedures that should guide contract award (BMPIU 2005). According to Ezekwesili (2004 in Ayangade *et al*. 2009), Due Process is geared towards infusing the needed fiscal discipline and sound economic principles to ensure transparency, accountability and rebuild public trust in governance by attacking the much abused processes in the past. The Due Process mechanism was conceived among other things to bring sanity to public procurement system in the country through the attainment of these performance targets: ensuring sustainable participation by reputable, competent and reliable contractors; settlement of contract price at near marginal cost; faith by tenders in the tendering mechanism and value for money in projects execution and delivery (BMPIU 2005). The mechanism is also meant to carry out functions like regulating and setting standards to enforce harmonized bidding and tender documents; formulation of general policies and guidelines on public sector procurement and upholding professional ethics and reporting erring personnel amongst other statutory functions.

The imperatives of the due process policy are captured by the following milestones: Advertisement, Pre-qualification, Invitation to tender: the technical and financial bid process, opening of tender, The bid evaluation process, and determination of winning bid (BMPIU 2005). The guidelines requires that such projects must be advertised, follow the process of open and competitive bidding leading to the emergence of a winner under a process that must be right, and a cost that must also be right. Under this policy, all Federal Government contracts without exception in the first three years of its establishment comes to the BMPIU for review and certification by sector specialists who work as consultants to the BMPIU. Presently, it has been expanded to include professionals in the civil service from various ministries. These professionals are drawn from diverse field of knowledge: engineering, energy, water and building, ICT, defence and security and so on. The unit also draws from voluntary support of reputable professional bodies in Nigeria.

The relevant legislation for public procurement in the Federal Republic of Nigeria is the Public Procurement Act 2007 ("the Act"). The Act came into effect on 4th June 2007. The Act applies to the procurement of goods, works and services carried out by:

a) the Federal Government of Nigeria and all procurement entities; and

b) all entities other than (a) which derive at least 35% of the funds appropriated or proposed to be appropriated for any type of procurement described in the Act from the Federation share of Consolidated Revenue Fund.

The Act establishes the National Council on Public Procurement ("the Council") and the Bureau of Public Procurement ("the Bureau") as the regulatory bodies in the area of Public Procurement. The Council, which is headed by The Minister of Finance, supervises the Bureau in order to ensure adequate implementation of the procedures provided in the Act. Besides the Act, other laws and regulations are applicable to public procurement procedures in Nigeria. These include the Infrastructure Concession Regulatory Commission (Establishment, etc.) Act, 2005 ("the Concession Act") and the Federal Government of Nigeria Financial Regulations, 2000 ("the Regulations"). However, the Act has precedence over the aforementioned law/regulations on issues of public procurement. List of documents required for Due Process certification includes:

- Certification of project readiness for implementation – This comprises, alignment of Project with Federal Government of Nigeria strategic and sectorial priorities; Technical and Economic appraisal of the project; Project and Consultant/Engineer's estimates; Project designs; Financing, procurement and implementation plans; Environmental Impact Assessment; Operations and maintenance manual and Evidence of appropriate packaging.
- Certificate of procurement – This include, evidence of Advertisement for prequalification; Pre-qualification documents; Letters of invitation to bid for pre-qualified contractors; Bid documents; Project Designs and Drawings; Bids return sheet; Bid evaluation report; Evidence of approval of selection by management; Bid bond; Engineers, Consultant or in-house estimates; and Appropriation / Funding.
- Certificate of implementation – This comprises, Policy file; Federal Executive Council (FEC) Approval; Appropriation funds; Contract Agreement; Performance security and bond; and Evidence of utilization of earlier released funds

According to Esenwa (2004), the major defects of previous procurement system include the followings:

- Project proposals from ministries/parastatals were unrelated to justifiable needs. In particular, budgetary process lacked up to date plans. They are simply a wish list of officials.
- Absence of economic cost/benefit analysis of projects as a way of justifying the need for the project.
- Lack of competition and transparency in project procurement leading to high cost of projects. Where advertisement was made, the applicable rules were tilted in favour of a predetermined winner.
- Projects were not prioritised and harmonised, consequently several ministries were pursuing supposed needs simultaneously.
- Unjustifiable gap exist between budget and actual releases leading to underfunding, delayed implementation, price escalation and project abandonment.

- Preference for new projects to the detriment of maintenance, refurbishment and completion of existing projects.
- Absence of efficient and effective project monitoring aimed at ascertaining compliance with original project plans and targets.
- Frequent government policy reversal.

Research method

The study was conducted in 'Lagos metropolis'. Lagos has been considered as the nerve centres of commercial activities in Nigeria with relative high levels of construction workload as well as large concentration of building contractors and clients/property developers of various categories and sizes. The population of the study comprises architects, builders, civil engineers and quantity surveyors who are the core professionals representing the client, contractor and consultant organizations in the procurement process. Stratified random sampling technique was employed in reaching sample size of fifty two (52) construction industry professional from client/government establishments, consulting and contracting organizations in the study area.

Survey research design was adopted. A structured questionnaire was the instrument used to collect primary data for the study. The research questionnaire consisted of two sections. Section 'A' sought information on the particulars of the respondents and section 'B' evaluates the impact of due process policy on project outcome using five point Likert scale ranging from 'very high', 'high', 'moderate', 'low' and 'very low'. Descriptive statistics was used in the analysis.

The major research constraint is the difficulty of obtaining project information from agencies of government and unwillingness to disclose vital information despite the freedom of information bill that was recently passed into law.

Results and discussion

General/ Demographic information of respondents

The particulars of the respondents are presented in Table 1 below.

Table 1: General/ Demographic Information of respondents

Demographic Variables	Frequencies	Percentages
Professional Background		
Architect	8	15.4
Builder	9	17.3
Civil Engineer	15	28.8
Quantity Surveyor	20	38.5
Years of Experience		
1-5 years	18	34.6
6-10 years	21	40.4
11-15 years	9	17.3
Over 15 years	4	7.7
Highest Educational Qualifications		
HND	21	40.4
B.Sc/B.Tech	25	48.1
MSc/MBA/MPM	6	11.5
Category of Professional Membership		
Probationer	3	5.8
Associate Member	11	21.1
Corporate Member	35	67.3
Fellow	3	5.8

Position in Organisation		
Technical Staff	22	42.3
Management Staff	30	57.7
Type of Organisation		
Public Organization	9	17.3
Contracting Organisation	28	53.9
Consulting organisation	15	28.8
Projects Executed Under Due Process Policy		
1-5 Projects	8	15.4
6-10 Projects	22	42.3
11-20 Projects	10	19.2
20 and Above	12	23.1

Table 1 shows that Quantity Surveyors- constituting 38.5% of the population sample. Architects constitute 15.4% of the respondents, 17.3% of the respondents are builders, while civil engineers accounted for 28.8% of the respondents. Also, 17.3% of the respondents are employed in Public Organisation, 53.9% were engaged in contracting organisations, and 28.8% of the respondents were employed within consulting organisations.

All the respondents are affiliated to relevant professional bodies in their respective professions; out of which 67.3% of them have attained corporate membership grade. About 65.4% of the respondents possess a minimum of 6 years professional experience in the construction industry. This implies adequate exposure to continuous professional training on the job and hence qualified to evaluate the policy's impact on project outcome considering the volume of project they have embarked on since the inception of the policy.

All the respondents were found to hold adequate academic qualification with HND holders constituting 40.4% of the respondents, while the rest of the respondents (48.1% and 11.5%) possess B.Eng/B.Sc/B.Tech and Masters Degrees respectively as their highest educational qualification. This implies that the respondents are knowledgeable and suitably qualified to provide required information for the study.

Level of compliance to Due Process Proceeding

Figure 1 shows frequency of compliance at various stages of construction projects delivery based on RIBA stages of work. Project planning phase, tender action phase and detailed design phase in that order top the list of stages that received the highest compliance to due process proceedings. This suggest that project planning phase has remarkably been improved in the public sector unlike in pre-due process era where several abuses were reported including award of contracts without project scope definition, performance bond and advance payment as reported in BMPIU (2005). Inceptions and Feasibility stages received least compliance with mean score of 4.01. This represents a reasonable frequency of compliance despite the low scores. Overall, the result indicates that most of the respondents agreed that due process proceedings were mostly complied with.

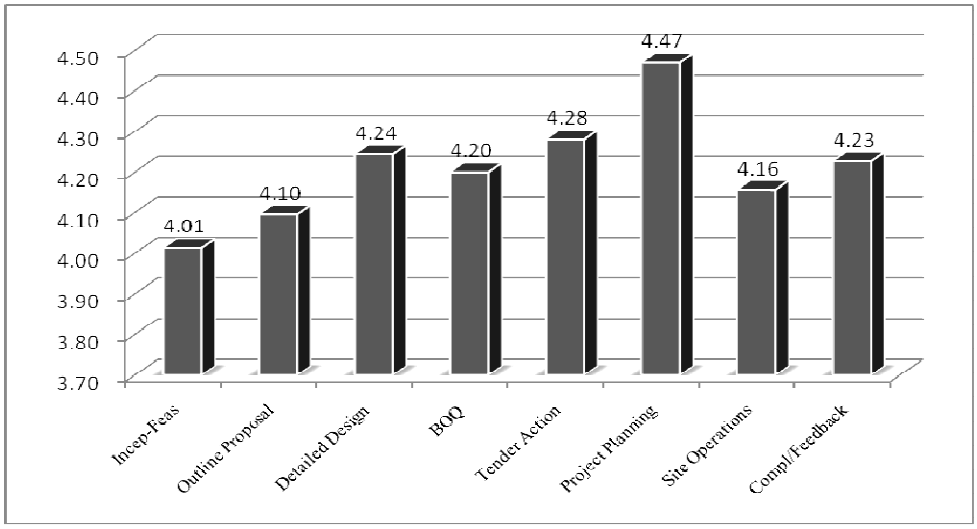

Figure 1: Frequency of compliance to Due Process Proceeding using RIBA Stage of work

Influence of due process policy on Time, Cost and Quality of Construction Projects

Table 2 shows the relative influence of due process policy on time, cost and quality of construction projects at each phase of construction project delivery. Table 2 indicates that highest all-round impact of due Process occurs during the Bill Production and Bills of Quantities stage of projects delivery. In all, due process has moderate and high impact in all phases of projects delivery.

Table 2: stakeholders perception of the impact of due process proceeding on project outcomes

Due process policy proceeding	Overall impact			Impact on cost saving		Impact on time saving		Impact on quality	
	N	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank
Signing of a binding Contract Agreement	52	4.67	1	4.45	1	3.21	22	3.60	39
Open Competitive Bidding	52	4.60	2	4.20	5	3.77	6	2.79	36
Project Award to the lowest priced responsive bidder	52	4.58	3	3.89	9	3.00	34	3.00	29
Prequalification of Contractors	52	4.53	4	3.55	13	3.52	15	4.30	2
Contractor's Programme of Works execution	52	4.49	5	2.98	32	3.99	2	3.33	18
Request for payment/Interim valuations	52	4.47	6	3.98	7	3.89	3	3.09	26
Obtaining Performance bond	52	4.40	7	3.14	28	3.51	16	3.14	24
Interim performance certification	52	4.38	8	3.21	24	3.60	12	3.89	5
Obtaining Advance Payment Guarantee/ bond	52	4.38	8	3.53	15	3.16	25	3.16	22
Tender analysis and Evaluation	52	4.34	10	3.35	20	2.98	35	2.98	30
Opening of Tender	52	4.31	11	3.21	24	3.22	21	3.22	20
Tender Negotiation with Responsive Bidders	52	4.27	12	4.28	4	2.98	35	2.98	30
Final Account/ Completion certificate	52	4.27	12	3.24	23	3.24	20	3.26	19
Detailed Project Design	52	4.24	14	4.43	2	4.05	1	4.27	3
Actual Verification of Performance/ Warranties	52	4.22	15	3.17	26	3.17	24	3.17	21

Advance Payment to the Contractor	52	4.20	16	3.40	19	3.80	4	3.40	17
Invitation to tender	52	4.20	16	3.55	13	3.55	14	3.55	14
Due process compliance certificates	52	4.18	18	3.10	30	3.74	7	3.74	10
Total Building Commissioning	52	4.18	18	2.79	38	2.02	39	2.96	32
Determination of Winning Bid	52	4.18	18	4.00	6	3.13	27	3.77	9
Selection of tendering methods	52	4.18	18	4.41	3	3.28	19	4.41	1
Request for Information(RFI) and Proposals (RFP)	52	4.18	18	2.9	34	2.91	38	2.91	35
Standard Tender Documents for Procurement	52	4.16	23	2.89	35	3.09	30	3.97	4
Supervision of Project Implementation Stage	52	4.16	23	3.08	31	3.78	5	3.98	29
Determining the admissibility of the proposed project	52	4.13	25	3.29	21	3.01	33	3.02	28
The Bid Evaluation Process	52	4.13	25	3.43	18	3.42	17	3.83	6
Project review and Certification	52	4.13	25	2.94	33	2.94	37	2.94	34
Advertisement of Proposed Project	52	4.13	25	3.50	16	3.70	8	2.96	32
Consultant's reporting to Tender Board	52	4.11	29	3.12	29	3.12	28	3.12	25
Reconciliation with beneficiary's approved allocation	52	4.11	29	3.16	27	3.16	25	3.16	22
Standard request for Proposals for Selection of Consulting firms	52	4.09	31	2.89	35	3.40	18	3.80	7
Project Need Justification	52	4.07	32	3.87	10	3.12	28	3.49	16
1st stage approval by Project Review Threshold	52	4.02	33	2.80	37	3.61	11	3.52	15
Project vetting by Project Review Threshold	52	3.98	34	3.91	8	3.65	10	3.65	12
Appropriation of budget allocation/or financial impacts	52	3.96	35	3.28	24	3.59	13	3.28	18
Contractor's Request for Clarification	52	3.89	36	3.50	16	3.04	32	3.04	27
Cost Benefit Analysis of the project	52	3.87	37	3.30	22	3.18	23	2.78	37
Statement of Essential Technical/Project Performance	52	3.75	38	3.65	12	3.08	31	3.78	37
Request for Expression of Interest (RFEOI)	52	3.71	39	3.74	11	3.67	9	3.67	11

Impact on cost saving

Table 2 shows that signing of a binding contract agreement which rank first overall, have the highest impact on cost savings with an average mean response of 4.45 which is somehow between high and extremely high. Contracts which are mutually binding documents are enforceable by law and once signed, cannot be alter without the consent of all the parties involved. All contracts are agreement but all agreement is not a contract. This is probably traceable to the documentation prerequisite for transparent transactions; vis-à-vis the due process' office mandate to ensure 'all contracts are under compliance with the guidelines and procedures'. Detailed project designs and standard tender documents for procurements were ranked next with a mean response of 4.43 and 4.42 respectively. This seems to agree in principle with conclusion in Ogunsemi and Jagboro (2006) wherein the authors concluded that the way and manner by which provisional sums are allowed for in the contract bill and later expended has a lot of impact on the final cost of construction project. The more the provisional sums are inserted into contract bills, the less precise and realistic will be the initial contract sum with respect to the final cost. According to Ogunsemi (2007) an ideal bill of quantities is that which contain neither prime cost nor provisional sum. While other dominant factors such as: selection of tendering methods, tender negotiation with responsive bidders, open competitive bidding, conditions of contracts, determination of winning bid

have average mean scores above 4.00; Standard request for proposals for selection of consulting firms, 1st stage approval by project review threshold and total building commissioning had least mean scores.

Impact on quality

Table 2 shows that selection of tendering methods has the highest influence on quality of project delivery with an average mean response of 4.41. It is noteworthy that section 68.1 of the Public Procurement Act states that "all procurements of goods and works by all procuring entities shall be conducted by Open Competitive Bidding'. Any reference to Open Competitive Bidding means the process by which a procuring entity, based on previously defined criteria, effects public procurements by offering to every interested bidder, equal simultaneous information and opportunity to offer the goods and works needed'. The Section 69.2 of the same Act also acknowledges the 'commonly used methods of procurement include International Competitive Bidding (ICB), National Competitive Bidding (NCB), Limited International Bidding (LIB), International and National Shopping, Direct Contracting, and Force Account. Contract packaging, scheduling and choice of procurement methods are all interlinked. In most cases, arriving at the procurement plan requires iterative adjustments in all three of these aspects."

The principal aim of ensuring due process in the procurement process is to select a contractor who offers the best value for money. This will nearly always involve a process of competitive tendering. Value-for-money for a particular commission means optimising the balance between best performance or quality of service and lowest price.

The Prequalification of Contractors and detailed project design had average mean response of 4.2970 and 4.2673 respectively.

Impact on time saving

Table 2 revealed that detailed project design and contractor's works programme have the highest mean ranking of 4.05 and 3.99 respctively. Thus detailed project design, contractor's programme of works and request for payment/interim valuations has highest influence on project time. Advance payment, supervision of project implementation, open competitive bidding, due process compliance certificates and advertisement of projects were agreed as having critical impact on timely delivery of projects. This finding is consistent with earlier study. Sambasivan *et al* (2007), identified factors that directly affect the completion of the project and cause time overrun. These include inadequate planning by the contractors, improper site management by the contractors, inadequate project handling experience of contractors, and delay in the payments for the work completed. Similarly Choudhury and Phatak (2004) in their study of causes of construction delay concluded that accurate construction planning is a key determinant in ensuring the delivery of a project on schedule and within budget. A contracting organization needs a sound time-planning and control system, which allows not only efficient and effective management of an individual project, but also meets the likely need to manage multiple projects simultaneously (Odeh and Battaineh 2001; Majid and McCaffer 1998). Various factors affect the construction time in buildings; Nkado (1991) has shown that prioritizing these factors is a useful basis for modeling and predicting construction time. Research work published by Odeyinka and Yusif (1997 cited in Aibinu and Jagboro, 2002) has shown that seven out of ten projects surveyed in Nigeria suffered delays in their execution. Underestimation of project cost, lack of timely progress payment, poor working relationship between client and the contractor, changes to design during construction, incomplete project information, timeliness of project information, lack of communication between the client and the contractor, number of subcontractors, and inclement weather conditions were the causes fingered by Choudhury & Phatak (2004) and Odeyinka & Yusif (1997) as major factors.

Summary and conclusion of the study

The increasing reports on the abuse of public procurement system in the three tiers of government in Nigeria have led to huge losses of resources in various public projects (BMPIU 2005). Ayangade *et al*. (2009) also linked the problem of influence peddling, sycophancy, and the use of primordial considerations to abandonment of government projects, non-value for public treasury, high cost of procurement among others. In the light of this, the 2001 survey into the state of the federal government public procurement and its recommendation gave birth to the Budget Monitoring and Price Intelligence Unit (BMPIU) popularly adopted as "Due Process". This study therefore was designed to investigate the level of compliance to due Process policy in the procurement process. It also examined the perception of stakeholders on the impact of due process on project outcome.

Findings of the current study shows that Signing of a binding contract agreement, detailed project designs and selection of tendering method have the highest impact on cost savings in construction projects under the due process. Standard request for proposals for selection of consulting firms, 1st stage approval by project review threshold and total building commissioning had relatively low impact on project cost. Furthermore, selection of tendering methods, prequalification of contractors and detailed project design had highest impact on quality of project delivery; while detailed project design, contractor's programme of works and request for payment/interim valuations has highest influence on project time. Project planning phase, tender action phase and detailed design phase in that order top the list of stages that received the highest compliance to due process proceedings. Generally, the impact of due process policy has been largely positive on contract procurement and construction projects delivery in Nigeria.

Despite the air of secrecy surrounding project performance data from due process offices, the following were highlights of few interviews granted:

- Under due process, contract sum must never be exceeded. In other words Contract Sum must be lesser than or equal to Total Project Cost- except in special situations such as Client-initiated scope change. e.g. request for additional floor by Client. Due process contracts are mostly fixed contracts.
- One of the interviewees confirms that after about 6 years of practice under due process dispensation, only on two occasions were initial contract sum exceeded. One, when the Client - considering the prospect and approved that an additional floor be added to the initial project scope- and the additional floor was treated as a separate appendage (addendum bill) to existing contract. And two, when the Consultant estimate, which was used as basis for award was erroneous. Specifically, summation of prices generated by the Microsoft Excel excludes certain work items; hence was wrong. This error was discovered after the Contract was awarded. On these occasions, the reviews were after series of administrative paper works and reviews, meetings and recommendations, before initial contract sum could attract most minimal review- the Civil servant disclosed.
- On issue of timely delivery: The civil servant gave four examples of project being executed by the parastatals where he works. He confessed that about 70% of the delay encountered in government projects, were due to intermittent funding pattern/ delayed settlement of payment certificates. According to him, the payment certificates sometimes may remain unpaid for 2 to 3 months or more due to administrative bottlenecks involved. Or on Federal government sponsored projects, the funds are released in phases. Consequently, this makes contractor to submit delay-related claims (request for extension of time and preliminaries)- and in a particular situation, the contractor charged bank interest (cost of finance) as an item of claim.
- Quality of projects is better guaranteed under due process. Prequalification and better documentation and contract and milestone certifications/ project support services from the parastatals helps deliver better quality of works.

The implication of this study is that it serves as a feedback to the construction stakeholders in Nigeria and contains useable information for optimizing the existing due process mechanism to enhance not only probity, accountability, transparency and competition in public contract awards, but also the

policy's resultant effects on quality of executed projects, delivery-on-budget and time considerations. The international community, especially developing countries will also benefit from the Nigerian procurement reform.

Future research direction would be on elemental analysis of variance between initial Bill of Quantities (BOQ) and final account of selected projects under due process– to verify grey areas of cost prediction /budgeting under Due Process.

Reference

Adeyemi, A.Y., Oladapo, A. A. and Akindele, O. (2005), Balancing globalisation, localisation and the sustainable development equation in the Nigerian construction industr, *Proc. of the 3rd Postgraduate Conference*, South Africa, 289-302.

Aibinu, A. A. and Jagboro, G. O. (2002). The effect of construction delays on project delivery in Nigeria. *International journal of project management*, 20(8), 593-599

Al-Mansouri, O., (1996). The Relationship between the Designer and the Contractor in Saudi Arabia. *Ph.D Thesis, University of Reading, Reading, U.K.*

Aniekwu A. and Okpala D. (1988) Causes of high Cost of Construction in Nigeria. Journal of Construction Engineering Management.

Attah M (2009) The Proposed Amendments To The Public Procurement Act 2007 *–A Post National Seminar On Procurement* held at State House, Abuja: October

Ayangade, J. A.1, Wahab, A. B.1, and Alake, O.1 (2009). An Investigation of the Performance of Due Process Mechanism in the Execution of Construction Projects in Nigeria. *Civil Engineering Dimension,* 11 (1), 1-7

BMPIU, (2005). *A Manual on Public Procurement Reform Programme in Nigeria,* Due Process office Publication, Second Edition, State House Abuja, Nigeria.

Chalabi, F. A and Camp, D., (1984). Causes of Delays and Overruns of Construction Projects in Developing Countries in Handa, V. K. [ed.]: 4th *International Symposium in Organisation of Management of Construction, CIB W-65*, 723-734 Waterloo:

Chika, N. O. (2005). Due Process and Procurement in the Nigerian Public Sector, Accessed at http://www.hollerafrica.com/showArticle.php?catId=1&artId=248,

Ekwueme, C. (2010) Public Procurement in Nigeria; What are the Determinants of a Successful Award of Government Contract? *The Daily Trust Newspaper* Thursday, 28 January 2010, www.businessdayonline.com/index.php?

Ekpenkhio, S.A. (2003). Public Sector Procurement Reforms: *The Nigerian Experience: A Paper Presented at The Regional Workshop on Procurement Reforms and Transparency in Government Procurement For Anglophone African Countries*. Tanzania, January.

Elinwa, A. Joshua, M. (2001). Time Overrun factors in Nigeria Construction Industry; *Journal of Construction Engineering Management*.

Esenwa, F.O (2004). *Project Procurement Methods in Due Process*. Department of Physical Planning and Development, National University Commission, Abuja.

Ezekwesili, O. (2006). Public Procurement Reforms : The Journey So Far; A seminar On "50 Years of Construction in Nigeria- Past, Present and Future. *The Journal of the Federation of Construction Industry,* 21(2).

Faniran, O.O. (2002). The Role of Construction Project Planning in Improving Project Delivery in Developing Countries: *Case study of the Nigerian construction industry*. Australia. Deakin University Publication.

Federal Office of Statistics (FOS) (1998) *Review of the Nigeria Economy 1997*. Abuja. Federal Office of Statistics.

Freddy, O. E. (2004). Project Procurement Method In Due Process Or How To Execute Capital Projects Efficiently. *A Paper presented at the Technical meeting of Department of physical planning and development*. National universities commission, Abuja. May.

Igwe, O. (2006). Causes of Delay and Cost overruns in Nigerian Construction Industry; International Journal of Project Management.

Joe A.I. (1992). *Fundamental Statistics for Education and the Behavioural Science*. Ibadan. Kraft Books Limited,1st Edition.

Keith R. M and Yakowenko, P.E. (2007). *Challenges in Sustaining the On-going Nigerian Economic Reforms.* Abia State University Publication

Lai, M. L., (2005). Application of Construction Interface Management, *Master Thesis, National Chiao Tung University*.

Moore, C., Mosley, D. and Slagle, M. (1992). Partnering Guidelines For Win-Win. (Accessed at) http//www.googlebooks.com.

Nasir, A .E (2009). The Nigerian Public Procurement Act 2007 and Debarment of Multinational Corporations from Participating in Government Contracts

Ndubuisi W.C. (2005) Project Evaluation in the Era of Due Process in the Niegrian University System; http://www.tamn-ng.org/downloads/4ndubuisi- project%20evaluation%&%20Due%20Process.doc

NEEDS (2004) National Planning Commission Abuja.

Nigerian Compass, (2011). *Public procurement regime in Nigeria: An assessment* www.compasnewspaper.com/NG/index.php?opinion=com-content&veiw= article&id=38017:public-procurement-regime-in-nigeria: an-assessment&catid=44:law&itemid=690

Obasanjo, O. (2003). Nigeria: From Pond of Corruption to Island of Integrity" *Lecture Delivered at the 10th Anniversary Celebration of Transparency International*, Berlin.

Obasanjo, O. (2004). "Due Process Saves Nigeria N102 bn" *This Day*; July 13, Nigeria.www.thisdaynigeria.ng/index.php?

Obiegbu, M.E. (2005). Due Process and the Procurement Methods in the Construction Industry. *Proceedings of 35th National conference / Annual General Meeting of the Nigerian Institute of Building on Due Process and the Construction Industry,* Nigerian Institute of Building, Nigeria, Pg 23-47.

Odunfa, A. (2010). Causes of project failure in Nigeria: http://234next.com/_csp/cms/sites/Next/Money/business/5531118-146/story.csp

Ofori, G (1991). Programmes for improving the performance of contracting firms in developing countries: A review of approaches and appropriate options. *Construction Management and Economics*, 9, 19-38.

Ogunsemi, D.R. (2002). The Cost and Time Performance of Construction Projects in South Western Nigeria. *PhD. Thesis, Federal University of Technology, Akure*.

Oguonu C. N. (2005) Due Process and Procurement in the Nigerian Public Sector *Featured*

Ojo, S. O., Adeyemi, A. Y., and Fagbenle, O. I., (2006). The Performance of Traditional Contract Procurement on Housing Projects in Nigeria, *Civil Engineering Dimension (Dimensi Teknik Sipil)*. Indonesia, September, 8 (2), 81-86.

Okonjo-Iweala, N. and Osafo-Kwaakor, P. (2007). *Nigeria's Economic Reforms: Progress and Challenges*. The Brookings Institutions, New York, Washington DC.

Okuwoga A.A. (1998). Cost-Time performance for Public Sector Housing Projects in Nigeria. *Habitat International*. 22 (4), 389-395

Oladapo M.A. (1991) Abuja Federal Capital Developments: A Study if Procurement Systems on Project Organization; *An Unpublished Masters Thesis, University of Reading.*

Olatunji O. A. (2007). Evaluating the Efficiency of Pre-Qualification as an Imperative Tool in Competitive Equation in Construction in Developing Countries, *Proceeding of 2007Quantity Surveyors' International Convention,* Kuala Lumpur, Malaysia, pp 132 – 141.

Olatunji, O. A. (2005). Due Process and Contractor Selection for Public Works In Nigeria, *Building Abroad*. University of Newcastle

Olayemi, J. K. and Olayide, J.O. (1981). *Element of Applied Econometrics,* Card Publishing Nigeria.

Syal, M.G. Grobler, F. Willenbrock, J. and Parfitt, M.K. (1992). Construction Project Planning Process Model for Small-Medium Builders *Journal of Construction Engineering and Management,* 118 (4), 651-666.

Wahab, K. A., (1984). The Builders and Due Process, *Proceedings of the 35th Annual Conference of International Symposium in Organisation of Management of Construction*, CIB W-65, 3, Waterloo, pp. 723-734.

Willis, A. (1999). Contractual Procedures in the Construction Industry; 3rd Edition, Addison Wesley Longman Limited. London.

World Bank, (1984). *The Construction Industry: Issues and Strategies for Developing Countries*. Washington, D.C.